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May 3, 2023

VIA E.C.F.

Honorable Valerie Figueredo
United States Magistrate Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Tyrel Escobar v. John Doe, et al.,
22-CV-8434 (JGK)(VF)

Application Granted

Valerie Figueredo, U.S.M.J.

DATED: May 4, 2023

Interested Party, City of New York, is relieved of its obligation to provide any further response to Plaintiffs' March 20, 2023 subpoena.

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and the attorney representing Interested Party, City of New York ("City"), in the above-referenced matter. The City writes to supplement its response to the subpoena Your Honor so ordered on February 16, 2023 directing the City to identify the John Doe officers in this matter. (See Dkt. Nos. 12, 14). In addition, for the reasons set forth below, the City also respectfully requests that it be relieved of its obligation to provide any further response to Plaintiffs' March 20, 2023 subpoena.

As Your Honor may recall, Plaintiff alleges that on October 2, 2019, he was subjected to excessive force during his arrest. Following the filing of the instant complaint, Plaintiff requested that the Court so-order a subpoena to assist the Plaintiff in identifying the John Doe Police Officers. (Dkt. No. 6). On February 14, 2023, Your Honor granted that request and Plaintiffs thereafter served a so-ordered subpoena on the City specifically demanding the City to identify "the names, commands, and shield numbers of the John Doe NYPD officers described in the Complaint in this matter... or who were otherwise present during the arrest of Plaintiff Tyrel Escobar on or about October 2, 2019". (Dkt. No. 10).

On March 20 and April 19, 2023, the undersigned provided Plaintiff and the Court with updates and certain information learned during its investigation. (Dkt Nos. 14 and 16). Since my last update to the Court on April 19, 2023, this Office has continued its investigation into attempting to identify the John Doe officers purportedly involved in Plaintiff's arrest and has now obtained enough information to assert that, upon information and belief, the only NYPD officer

present for Plaintiff's October 2, 2019 arrest was retired Detective Luis Correa, Tax ID # 911907.¹ Upon information and belief, the other officers present for the Plaintiff's arrest at 40 Featherbed Lane, Unit 6A, Bronx, New York on October 2, 2019 were employees of the U.S. Marshals Service. As such, the only John Doe officer that may be entitled to representation by this Office is Detective Correa. Upon information and belief, the individual depicted in the first photograph on page 2 of the Complaint resembles Detective Correa. Because all other individuals that were present for Plaintiff's arrest were U.S. Marshals, this Office is unable to identify any other individuals in the photographs on page 2 of the Complaint. Accordingly, this Office respectfully requests that it be relieved of its obligation to provide any further response to Plaintiffs' March 20, 2023 subpoena.

Respectfully submitted,

/s/ Seema Kassab
Seema Kassab
Assistant Corporation Counsel
Special Federal Litigation Division

CC: all counsel (via ECF)

¹ As noted in my April 19, 2023 letter, Det. Correa is retired and this Office is in the process of attempting to obtain a proper service address for him, which will then be provided to Plaintiff's counsel.